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| CENTRAL DISTRICT OF CALIFORNIA DEPUTY | |

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

) Case No. 05-1689M

Plaintiff,

ORDER OF DETENTION

v.

Gustavo Garcia

Defendant(s).

A. On motion of the Government in a case allegedly involving:

1. a crime of violence.
2. an offense with maximum sentence of life imprisonment or death.
3. a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. any felony - where defendant convicted of two or more prior offenses described above.
5. any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

1 B. On motion by the Government/ () on Court's own motion, in a
2 case allegedly involving:

3 (x) On the further allegation by the Government of:

4 1. (X) a serious risk that the defendant will flee.

5 2. () a serious risk that the defendant will:

a. () obstruct or attempt to obstruct justice.

9 C. The Government ~~is~~ is/ () is not entitled to a rebuttable presumption
10 that no condition or combination of conditions will reasonably assure the
11 defendant's appearance as required and the safety of any person or the
12 community.

III

14 A. The Court finds that no condition or combination of conditions
15 will reasonably assure:

1. (K) the appearance of the defendant as required.

17 (S) and/or

2. (b) the safety of any person or the community.

19 B. (X) The Court finds that the defendant has not rebutted by
20 sufficient evidence to the contrary the presumption provided by stat

III

23 The Court has considered:

24 A. the nature and circumstances of the offense(s) charged, including
25 whether the offense is a crime of violence, a Federal crime of terrorism, or
26 involves a minor victim or a controlled substance, firearm, explosive, or
27 destructive device;

28 B. the weight of evidence against the defendant;

- C. the history and characteristics of the defendant; and
- D. the nature and seriousness of the danger to any person or the community.

IV

The Court also has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report/recommendation.

V

The Court bases the foregoing finding(s) on the following:

A. (2) As to flight risk:

Defendant previously failed to appear in this case when bail was granted; defendant submits on the issue of detention and proffered no evidence to rebut the statutory presumption.

B. (X) As to danger:

The defendant's criminal history and the instant allegations; defendant's failure to proffer evidence to rebut the statutory presumption

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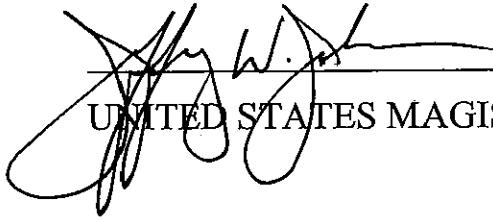
3 A. () The Court finds that a serious risk exists the defendant will:
4 1. () obstruct or attempt to obstruct justice.
5 2. () attempt to/ () threaten, injure or intimidate a witness or
juror.

6 B. The Court bases the foregoing finding(s) on the following:
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10 VI
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12 A. IT IS THEREFORE ORDERED that the defendant be detained prior
13 to trial.
14 B. IT IS FURTHER ORDERED that the defendant be committed to the
15 custody of the Attorney General for confinement in a corrections facility
16 separate, to the extent practicable, from persons awaiting or serving
17 sentences or being held in custody pending appeal.
18 C. IT IS FURTHER ORDERED that the defendant be afforded
19 reasonable opportunity for private consultation with counsel.
20 D. IT IS FURTHER ORDERED that, on order of a Court of the United
21 States or on request of any attorney for the Government, the person in
22 charge of the corrections facility in which defendant is confined deliver the
23 defendant to a United States marshal for the purpose of an appearance in
24 connection with a court proceeding.

25
26 DATED: 2/14/08
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28 
UNITED STATES MAGISTRATE JUDGE